



I hereby certify this is a true copy of an Order dated
DEC 28, 2023
Elan Sherntov
Landlord and Tenant Board

**Order under Section 16.1
of the Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006**

Citation: Heward v Evolution Property Management, 2023 ONLTB 82337
Date: 2023-12-28
File Number: LTB-T-090044-23-IN

In the matter of: 2, 202 KING ST W
BROCKVILLE ON K6V3R5

Between: Cody Heward Tenant

And

Evolution Property Management Landlords
2503681 Ontario Ltd.

INTERIM ORDER

Cody Heward (the 'Tenant') applied for an order determining that Evolution Property Management and 2503681 Ontario Ltd. (the 'Landlords'):

- entered the rental unit illegally
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household
- harassed, obstructed, coerced, threatened or interfered with the Tenant
- withheld or interfered with their vital services or care services and meals in a care home

Determinations:

1. The Tenant alleges that they have been illegally locked out of the rental unit.
2. An order shall issue to preserve the tenancy pending a determination of the issues.
3. If the Tenant wishes to get free legal advice from Legal Aid Ontario PRIOR to the hearing, they can access Tenant Duty Counsel by calling 1-877-374-0391. Please note: Tenant Duty Counsel must be contacted in advance as there is no guarantee that they will attend each specific hearing. Tenant Duty Counsel has also created an online registration system to request legal assistance which can be accessed at www.tdc.acto.ca. Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the Board.

It is ordered that:

1. The Board shall schedule this application for a videoconference hearing on an expedited basis.
2. The Landlords shall not re-rent the rental unit to another tenant until this application is heard or the Board orders otherwise. Nothing in this order prevents the Landlords from restoring the tenancy in the absence of a hearing or Board order.
3. The Landlords shall preserve and keep safe any property belonging to the Tenant that is in the Landlords' control. Nothing in this order prevents the Landlords from giving to the Tenant any of their possessions at the request of the Tenant.
4. The Landlords shall immediately grant the Tenant access to their possessions to permit the Tenant to retrieve any medications and identification documents.
5. The initial and primary focus of the expedited hearing shall be on the allegation that the Tenant has been illegally locked out of the rental unit.
6. Any remaining issues raised in the application may be addressed at the hearing at the discretion of the Presiding Member if adequate disclosure has been provided and time permits.
7. The parties will have until not later than 2 days prior to the hearing to give to the other and file with the Board a copy of any documents, receipts, photographs, recordings or like things the party intends to rely on at the hearing. All submissions must be uploaded on the Tribunals Ontario Portal (TOP) online. It may also be submitted via email at LTB.Evidence@ontario.ca where the TOP precludes uploading large documents.
8. The parties may also consent in writing to exchange of documents using the online TOP portal.
9. Pursuant to Rule 19.7 a party who fails to comply with an order for disclosure may not be permitted to rely on evidence that is not properly disclosed.
10. The Tenant shall notify the Board and the Landlords in writing forthwith if the hearing is no longer necessary and the Tenant wishes to withdraw or abandon the application. The Board email address is LTB@ontario.ca.

December 28, 2023
Date Issued

Elan Shemtov

Elan Shemtov
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.